

1
2 The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday,
3 June 15, 2010 at Westfield City Hall. Members present included Dan Degnan, Randy Graham,
4 Bill Sanders, and Martin Raines. Also present were Ryan Schafer, Planner; Kevin Todd, Senior
5 Planner; and City Attorney, Brian Zaiger.

6
7
8 **APPROVAL OF MINUTES**
9

10 Raines moved to approve the May 11 minutes as presented.

11
12 Degnan seconded, and the motion passed by voice vote.

13
14 Sanders reviewed the Public Hearing Rules and Procedures.

15
16
17 Todd announced that 1006-VS-03 has been continued to the July 13, 2010 meeting.

18
19
20 **NEW BUSINESS**
21

22 **1006-VU-02**

19653 Six Points Road; Sundown Gardens, Inc.

The Appellant is requesting a Variance of Use from the Westfield-Washington Zoning Ordinance (WC 16.04.070, 2) to allow for the use of "Nursery- Plants, Retail" at the above referenced address, located in the OI District.

23
24
25
26
27
28 Todd introduced the petition which is to allow nursery plant/retail on the property.

29
30 Schafer reviewed the petition which is to allow retail sales at the facility and redevelop the site as
31 a landscaping business. Schafer further stated that retail sales are not contemplated in this
32 district; however, staff does believe this is an appropriate use of the property and does
33 recommend approval of the variance.

34
35 Raines asked if this land was going to be leased.

36
37 Mr. Scott Senefeld responded the intent is to purchase the property based on approval of the
38 Board.

39
40 Degnan asked if the intent was to move the entire operation to Westfield from Carmel.

41
42 Senefeld responded the intent is to move the entire operation to Westfield from Carmel.

43
44 Degnan asked how long the transition will take.

45
46 Senefeld responded about ten years.

47
48 A Public Hearing opened at 7:17 p.m.

1 Mr. Kelly George asked about the process regarding the zoning variance and restrictions that
2 would hold the business to maintaining a 10% ratio of retail to commercial. In other words, he
3 asked if there are legal attachments to the variance that state they can only have a certain amount
4 of retail exposure as related to the overall gross revenue. George also asked for clarification of
5 who the staff members are.

6
7 Skelton asked the petitioner if they would agree to a 15 or 20% gross sales point.

8
9 Mr. Brian Kirchner presented details about the business and addressed public hearing comments.

10
11 The Public Hearing closed at 7:27 p.m.

12
13 Skelton suggested a condition that the retail sales element be an ancillary component of the
14 principal use.

15
16 Sanders suggested a condition regarding the type of retail use rather than percentage of sales.

17
18 Graham moved to approve 1006-VU-02 as presented.

19
20 Raines seconded, and the motion passed 4-0.

21
22 Raines moved to adopt staff's finding of fact.

23
24 Sanders seconded, and the motion passed by voice vote.

25
26 The meeting adjourned at 7:30 p.m.

27
28
29
30
31 _____
Chairman

Secretary